

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND**

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MATTHEW MCCARTHY,  
*Plaintiff,*

vs.

T-MOBILE US, INC., (alias MetroPCS); CITY OF  
PROVIDENCE, by and through its Treasurer James  
J. Lombardi, III in his official capacity; and, JOHN  
DOE CORPORATION, alias,  
*Defendants.*

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C.A. No. 18-cv-548

**PETITION FOR REMOVAL FROM STATE COURT**

Now comes Defendant City of Providence (“Defendant”) and hereby seeks removal of a civil action filed in the Rhode Island Superior Court, Providence County, entitled *Matthew McCarthy v. T-Mobile US, Inc., (alias Metro PCS); City of Providence, by and through its Treasurer James J. Lombardi, III in his official capacity; and John Doe Corporation, alias, C.A. PC-2018-4718*, to this Honorable Court, pursuant to 28 U.S.C. §§ 1441 and 1446.

In support of said petition for removal, Defendant represents that it first received Plaintiff’s complaint when it was served with process on or about September 18, 2018. Plaintiff’s complaint seeks declaratory and injunctive relief, as well as damages, on the basis of disability discrimination under Title II and Title III of the Americans with Disabilities Act, 42 U.S.C. §§ 12181, *et seq.*, the Equal Rights of Blind Persons to Public Facilities Act, R.I. Gen. Laws §§ 40-9.1-1 *et seq.*, the Civil Rights of People with Disabilities Act, R.I. Gen. Laws §§ 42-87-1 *et seq.*, the Hotel and Public Places Act, R.I. Gen. Laws §§ 11-24-1 *et seq.*, and the Rhode Island Civil Rights Act, R.I. Gen. Laws §§ 42-112-1 *et seq.* Accordingly, this Court has original jurisdiction

over this matter pursuant to 28 U.S.C. §§ 1331 and 1343 and supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367.

Defendant further states that the required filing fee has been filed contemporaneously with this petition, together with a copy of the complaint and process served upon it.

Defendant provides further that, pursuant to 28 U.S.C. § 1446(d) and LR cv 81, copies of this petition are being served upon all other parties as well as upon the clerk of the Rhode Island Superior Court, Providence County.

**CITY OF PROVIDENCE,**  
By its Attorney,

JEFFREY DANA  
CITY SOLICITOR

/s/Megan Maciasz DiSanto (#7991)  
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City of Providence Solicitor's Office  
444 Westminster Street, Suite 220  
Providence, RI 02903  
(401) 680-5333 (Tel)  
(401) 680-5520 (Fax)

**CERTIFICATION**

I hereby certify that I have filed the within with the United States District Court on this 3rd day of October, 2018, that a copy is available for viewing and downloading via the ECF system, and that I have caused a copy to be sent to:

*For the Plaintiff:*

Paige Munro-Delotto (#9291)  
Munro-Delotto Law, LLC  
400 Westminster Street, Ste. 200  
Providence, RI 02903  
[paige@pmdlawoffices.com](mailto:paige@pmdlawoffices.com)

*For T-Mobile USA, Inc.:*

Corporation Service Company  
222 Jefferson Boulevard, Suite 220  
Warwick, RI 02888

/s/ Megan Maciasz DiSanto